

CHAPTER 28-01.2

UNIFORM CONFLICT OF LAWS - LIMITATIONS ACT

28-01.2-01. Definition of terms. As used in this chapter, unless the context otherwise requires:

1. "Claim" means a right of action that may be asserted in a civil action or proceeding and includes a right of action created by statute.
2. "State" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, or a political subdivision of any of them.

28-01.2-02. Conflict of laws - Limitation period.

1. Except as provided by section 28-01.2-04, if a claim is substantively based upon:
 - a. The law of one other state, the limitation period of that state applies; or
 - b. The law of more than one state, the limitation period of one of those states chosen by the law of conflict of laws of this state, applies.
2. The limitation period of this state applies to all other claims.

28-01.2-03. Rules applicable to computation of limitation period. If the statute of limitations of another state applies to the assertion of a claim in this state, the other state's relevant statutes and other rules of law governing tolling and accrual apply in computing the limitation period, but its statutes and other rules of law governing conflict of laws do not apply.

28-01.2-04. Unfairness. If the court determines that the limitation period of another state applicable under sections 28-01.2-02 and 28-01.2-03 is substantially different from the limitation period of this state and has not afforded a fair opportunity to sue upon, or imposes an unfair burden in defending against, the claim, the limitation period of this state applies.

28-01.2-05. Existing and future claims. This chapter applies to claims:

1. Accruing after June 30, 1985; or
2. Asserted in a civil action or proceeding more than one year after June 30, 1985, but it does not revive a claim barred before July 1, 1985.